

## BUSINESS IMPACT

On December 7, 2000, EPA promulgated revisions to the existing federal requirements for radionuclides in drinking water [Federal Register 65(236), 76708-76753]. The revisions include the adoption of a primary MCL for uranium (California's uranium MCL was adopted in January 1989), a requirement for monitoring radium 228 and minor revisions related to compliance determinations and monitoring frequencies. Since California must adopt federal regulations to maintain primacy for the Drinking Water Program, the proposed regulation package incorporates all the federal revisions, except that California is retaining its 20 pCi/L uranium MCL instead of adopting the federal MCL of 30 ug/L. Also, for consistency with the Department's implementation of other drinking water standards and the fact that many nontransient-noncommunity water systems (schools serving young people) already voluntarily monitor for compliance with radionuclide MCLs, the proposed regulation includes this category of systems.

The net effect of the proposed amendments to the radionuclide requirements would be that:

1. Both community and nontransient-noncommunity water systems would be required to monitor for and comply with radionuclide MCLs;
2. Community water systems would be required to monitor for radium-228;
3. Ongoing monitoring frequencies would be reduced for alpha particle activity, radium, and uranium, as a function of levels detected;
4. Monitoring for beta/photon emitters, strontium 90 and tritium would be required only for systems designated by the Department as vulnerable or identified as contaminated, whereas currently, all surface water systems of a certain size are required to monitor; and
5. For systems monitoring quarterly for beta/photon emitters, compliance would be determined on the basis of a running quarterly average.

The most significant incremental cost impact of this proposed regulation would be the federal requirement that radium-228 be monitored by community water systems. However, community water systems would experience a cost savings as the result of the federal provision for reducing monitoring frequencies. The estimated net incremental cost to community water systems from these is approximately \$2.3 million over the 13-year period of the estimate. Monitoring costs associated with the state's proposed requirement for the radioactivity regulations to apply to nontransient-noncommunity water systems are estimated to be less than \$300,000 over a period of 13 years, so they are not significant.

The Department has determined that the proposed regulations would not have a significant adverse impact on businesses, including the ability of California businesses to compete with businesses in other states.

The Department has determined that the regulations will not significantly affect the following:

*Business Impact and Determinations  
Radionuclide Drinking Water Standards  
May 15, 2002*

1. The creation or elimination of jobs within the State of California. The requirements summarized above should not have any affect in this area in that there would not be any change in water system or regulatory personnel needed for compliance with the proposed requirements.
2. The creation of new businesses or the elimination of existing businesses within the State of California. The nature of the water industry is such that the proposed regulation will not result in the creation or elimination of water systems. The impact of these regulations will be insignificant.
3. The expansion of businesses currently doing business within the State of California. Since water system size is basically a function of the number of service connections (consumers) served, the proposed regulations should not have any affect on expansion.

The Department has determined that the proposed regulations would not affect small business, since Government Code Chapter 3.5, Article 2, Section 11342.610 excludes drinking water utilities from the definition of small business.

## **ALTERNATIVES CONSIDERED**

The Department has determined that no alternative considered by the Department would be more effective in carrying out the purpose for which the amendments to the regulations are being proposed or would be as effective and less burdensome to affected private persons.

## LOCAL MANDATE DETERMINATION

The proposed regulation would not impose a mandate on local agencies that requires state reimbursement. Local agencies should not incur costs as a result of this regulation. However, if they were to incur costs, those costs would be of the following nature:

First, some local agencies would incur costs in their operation of public water systems. These costs would not be the result of a “new program or higher level of service” within the meaning of Article XIII B, Section 6 of the California Constitution because they apply generally to all individuals and entities that operate public water systems in California and do not impose unique requirements on local governments. Therefore, no state reimbursement of these costs would be required.

Second, some local agencies could incur additional costs in discharging their responsibility to enforce the new regulations for the small public water systems (under 200 service connections) that they regulate. However, the Department has determined that any increase in the local agency costs resulting from enforcing this regulation would be insignificant. Furthermore, local agencies are authorized to assess fees to pay reasonable expenses incurred in enforcing statutes and regulations related to small public water systems. (Health and Safety Code Section 101325) Therefore, no reimbursement of any incidental costs to local agencies in enforcing this regulation would be required. (Government Code Section 17556(d)).